

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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HARRISON FRANKLIN,

Plaintiff,

v.

MICHAEL DITTMAN, et al.,

Defendants.

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ORDER

18-cv-381-wmc

The court held a telephonic hearing on plaintiff's motion for preliminary injunction and emergency temporary restraining order (dkt. #13), at which plaintiff and defense counsel appeared and submitted argument. Following argument on the record, the court ORDERED as follows:

- 1) Defendants shall arrange for plaintiff to be seen by a physician qualified to assess his diabetic needs within 30 days. Plaintiff is instructed to be as candid as possible with this physician about any claimed interruptions in or interferences with his receipt of his medications so that the doctor can appropriately evaluate and address those concerns as appropriate. The resulting doctor's treatment notes and written evaluation, if any, shall be submitted to the court.
- 2) Defendants may have until January 16, 2019, to submit an affidavit or declaration from an appropriate person at CCI describing: (a) the history of plaintiff's treatment and care; (b) an explanation of CCI's methods for ensuring the regular delivery of prescribed medication, including insulin; and (c) any additional response to plaintiff's declaration in support of his motion (dkt. #14).

This affidavit or declaration may also address CCI's recent movement to electronic medical records or other matters defendants deem relevant.

- 3) Defendants may also have until January 16, 2019, to submit any contemporaneous logs -- electronic, handwritten, or otherwise -- reflecting plaintiff's blood sugar levels for the past year, including the numbers recorded by his Accu-Chek meter, which should also be made available to the physician designated in paragraph 1 above.
- 4) Plaintiff may have until January 30, 2019, to file a declaration responding to the materials submitted by defendants, should he so choose.
- 5) In the interim, defendants shall take all reasonable steps to ensure that plaintiff is provided with his medications on a timely basis *as prescribed*, just as plaintiff is required to take all reasonable steps to cooperate in their ministration.
- 6) The court will schedule the preliminary pretrial conference and determine whether an evidentiary hearing on plaintiff's motion is required after reviewing the parties' submissions.

Entered this 14th day of December, 2018.

BY THE COURT:

/s/

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WILLIAM M. CONLEY  
District Judge